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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/446,888	12/30/1999	TOSHIYUKI FUTAKATA	6342-0039-2	3055	
22850 7.	590 06/01/2005		EXAMINER		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			KUMAR, PANKAJ		
			ART UNIT	PAPER NUMBER	
			2631		

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<u> </u>		Ur.				
	Application No.	Applicant(s)				
Office Action Commons	09/446,888	FUTAKATA ET AL.				
Office Action Summary	Examiner	Art Unit				
	Pankaj Kumar	2631				
-1 The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with	the correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply if NO period for reply is specified above, the maximum statutory period we Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	6(a). In no event, however, may a reply within the statutory minimum of thirty (3 ill apply and will expire SIX (6) MONTH cause the application to become ABAN	y be timely filed i0) days will be considered timely. S from the mailing date of this communication. DONED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 13 De	ecember 2004.					
	······································					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under E	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4) Claim(s) <u>1-9</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
	6) Claim(s) <u>1-6</u> is/are rejected.					
	7) Claim(s) 7-9 is/are objected to.					
8) Claim(s) are subject to restriction and/or	election requirement.					
Application Papers						
9) The specification is objected to by the Examiner						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to the c	- · · ·	• •				
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
The datif of declaration is objected to by the Ex	aminer. Note the attached C	mice Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:	•	19(a)-(d) or (f).				
1. Certified copies of the priority documents2. Certified copies of the priority documents		ligation No.				
3. Copies of the certified copies of the priori						
application from the International Bureau		· · · · · · · · · · · · · · · · · · ·				
* See the attached detailed Office action for a list of	• • • • • • • • • • • • • • • • • • • •	ceived.				
		·				
Attachment(s) 1) Notice of References Cited (PTO-892)	4) [] in	(PTO 440)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/M	mary (PTO-413) Iail Date				
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7/04,12/99.	5) Notice of Infor 6) Other:	mal Patent Application (PTO-152)				

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/13/2004 have been fully considered and they are moot in view of the new grounds of rejection.

Response to Amendment

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano USPN 6,011,787 in view of Higuchi USPN 6,167,037. Here is how the references teach the claims:
- 4. As per claim 1: assigning a code (Nakano 6011787 fig. 4: 35, 55 code generator) associated with each base station group including more than one base station or a code associated with each network type (Nakano 6011787 fig. 4: 35, 55 code generator is for a communication network) to which said base station group belongs (Nakano fig. 1: group of base stations 1 and 2 belong to one communication network) as said second spreading code (Nakano fig. 4: 37 is spreading based on the code from 35), wherein said second spreading code functions as an identifier of said base station group or said network type (not in Nakano but Higuchi teaches this and it would be obvious to combine as explained below) in said more than one base station (Nakano fig. 1: communication network has more than one base station) and in mobile stations

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belonging to said more than one base station (Nakano fig. 1: mobile station 92 belongs to both base stations 1 and 2).

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- 5. Nakano does not teach associated with each base station group including more than one base station. The office takes official notice that since this recitation is being or-ed with associated with each network type and Nakano teaches associated with each network type, a reference does not need to teach the limitation before the "or" statement if the limitation after the "or" statement is taught. Thus, it would have been obvious, to one of ordinary skill in the art, at time the invention was made, that the teaching of Nakano teaches the claimed limitation after the "or" statement as recited by the instant claims and thus Nakano does not need to teach the limitation before the or statement in the analogous art of communication.
- Nakano teaches one spreading with code but does not teach a second spreading code. Higuchi teaches a first spreading code and a second spreading code (Higuchi col. 4 lines 5-6). Thus, it would have been obvious, to one of ordinary skill in the art, at time the invention was made, to arrive at the second spreading code as recited by the instant claims, because the combined teaching of Nakano with Higuchi suggest second spreading code as recited by the instant claims. Furthermore, one of ordinary skill in the art, would have been motivated to combine the teachings of Nakano with Higuchi because Nakano suggests spreading with code (something broad) in general and Higuchi suggests the beneficial use of a second spreading code such as one spreading code common to a group of base stations and a another spreading code being individual to base stations in the analogous art of communication.
- 7. Nakano does not teach spreading code functions as an identifier of said base station group or said network type. Higuchi teaches spreading code functions as an identifier of said base

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station group or said network type (Higuchi col. 4 lines 6-7: spreading code being common to respective base stations). Thus, it would have been obvious, to one of ordinary skill in the art, at time the invention was made, to arrive at the spreading code functions as an identifier of said base station group or said network type as recited by the instant claims, because the combined teaching of Nakano with Higuchi suggest spreading code functions as an identifier of said base station group or said network type as recited by the instant claims. Furthermore, one of ordinary skill in the art, would have been motivated to combine the teachings of Nakano with Higuchi because Nakano suggests spreading with code for the base stations (something broad) in general and Higuichi suggests the beneficial use of the same spreading code being used for a group of base stations such as this code being shorter than a code for individual base stations (Higuchi col. 4 lines 5-11) and thus the amount of time needed to initially acquire the spreading code is decreased (Higuchi col. 2 lines 38-39) in the analogous art of communication.

- 8. The recitations in the preamble, except for the same recitations that are in the body of the claim such as "second spreading code", are not given patentable weight since the recitations occur in the preamble and recite the intended use of a structure and the body of claim does not depend on the preamble for completeness and the bodily limitations are able to stand alone.

 Thus, the bodily limitations do not require recitations in the preamble except for "second spreading code" as the bodily limitations can be comprised in a communication system described in Nakano in view of Higuchi.
- 9. As per claim 2: assigning a code (Nakano 6011787 fig. 4: 35, 55 code generator) associated with each base station group including more than one base station or a code associated

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with each network type (Nakano 6011787 fig. 4: 35, 55 code generator is for a communication network) to which said base station group belongs (Nakano fig. 1: group of base stations 1 and 2 belong to one communication network) as said second spreading code (Nakano fig. 4: 37 is spreading based on the code from 35); and transmitting (Nakano fig. 4: transmission) a signal which is spread (Nakano fig. 4: 37) with said second spreading code (Nakano fig. 4: output of 35) between one of said more than one base station (Nakano fig. 1: multiple base stations) and a mobile station (Nakano fig. 1: mobile station 92) (Nakano fig. 1: communication signals between mobile and base stations and thus signals are transmitted between mobile and base stations), wherein said second spreading code functions as an identifier of said base station group or said network type (not in Nakano but Higuchi teaches this and it would be obvious to combine as explained below) in said more than one base station (Nakano fig. 1: communication network has more than one base station) and said mobile station

- 10. Nakano does not teach associated with each base station group including more than one base station. The office takes official notice that since this recitation is being or-ed with associated with each network type and Nakano teaches associated with each network type, a reference does not need to teach the limitation before the "or" statement if the limitation after the "or" statement is taught. Thus, it would have been obvious, to one of ordinary skill in the art, at time the invention was made, that the teaching of Nakano teaches the claimed limitation after the "or" statement as recited by the instant claims and thus Nakano does not need to teach the limitation before the or statement in the analogous art of communication.
- Nakano teaches one spreading with code but does not teach a second spreading code. Higuchi teaches a first spreading code and a second spreading code (Higuchi col. 4 lines 5-6).

Thus, it would have been obvious, to one of ordinary skill in the art, at time the invention was made, to arrive at the second spreading code as recited by the instant claims, because the combined teaching of Nakano with Higuchi suggest second spreading code as recited by the instant claims. Furthermore, one of ordinary skill in the art, would have been motivated to combine the teachings of Nakano with Higuchi because Nakano suggests spreading with code (something broad) in general and Higuchi suggests the beneficial use of a second spreading code such as one spreading code common to a group of base stations and a another spreading code being individual to base stations in the analogous art of communication.

12. Nakano does not teach spreading code functions as an identifier of said base station group or said network type. Higuchi teaches spreading code functions as an identifier of said base station group or said network type (Higuchi col. 4 lines 6-7: spreading code being common to respective base stations). Thus, it would have been obvious, to one of ordinary skill in the art, at time the invention was made, to arrive at the spreading code functions as an identifier of said base station group or said network type as recited by the instant claims, because the combined teaching of Nakano with Higuchi suggest spreading code functions as an identifier of said base station group or said network type as recited by the instant claims. Furthermore, one of ordinary skill in the art, would have been motivated to combine the teachings of Nakano with Higuchi because Nakano suggests spreading with code for the base stations (something broad) in general and Higuichi suggests the beneficial use of the same spreading code being used for a group of base stations such as this code being shorter than a code for individual base stations (Higuchi col. 4 lines 5-11) and thus the amount of time needed to initially acquire the spreading code is decreased (Higuchi col. 2 lines 38-39) in the analogous art of communication.

- 13. The recitations in the preamble, except for the same recitations that are in the body of the claim such as "second spreading code", are not given patentable weight since the recitations occur in the preamble and recite the intended use of a structure and the body of claim does not depend on the preamble for completeness and the bodily limitations are able to stand alone.

 Thus, the bodily limitations do not require recitations in the preamble except for "second spreading code" as the bodily limitations can be comprised in a communication system described in Nakano in view of Higuchi.
- As per claim 3: a base station using (Nakano fig. 1: one of the base stations) said second spreading code assigned to each base station group including more than one base station or said second spreading code assigned to each network type (Nakano 6011787 fig. 4: 35, 55 code generator is for a communication network) to which said base station group belongs (Nakano fig. 1: group of base stations 1 and 2 belong to one communication network), said base station group including more than one of said base station (Nakano fig. 1: base stations 1 and 2 are both part of the same communication network); and a mobile station (Nakano fig. 1: mobile station) communicating with said base station (Nakano fig. 1: base station) by using a signal which is spread by said second spreading code assigned to said base station (Nakano col. 4 lines 46-47: fig. 4 is part of the base station; since the spreader and code generator in fig. 4 are inside the base station, they are assigned to the base station), wherein said second spreading code functions as an identifier of said base station group or said network type (not in Nakano but Higuchi teaches this and it would be obvious to combine as explained below) in said more than one base station (Nakano fig. 1: communication network has more than one base station) and said mobile station.

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15.

base station. The office takes official notice that since this recitation is being or-ed with

associated with each network type and Nakano teaches associated with each network type, a

reference does not need to teach the limitation before the "or" statement if the limitation after the

Nakano does not teach associated with each base station group including more than one

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"or" statement is taught. Thus, it would have been obvious, to one of ordinary skill in the art, at

time the invention was made, that the teaching of Nakano teaches the claimed limitation after the

"or" statement as recited by the instant claims and thus Nakano does not need to teach the

limitation before the or statement in the analogous art of communication.

16. Nakano teaches one spreading with code but does not teach a second spreading code.

Higuchi teaches a first spreading code and a second spreading code (Higuchi col. 4 lines 5-6).

Thus, it would have been obvious, to one of ordinary skill in the art, at time the invention was

made, to arrive at the second spreading code as recited by the instant claims, because the

combined teaching of Nakano with Higuchi suggest second spreading code as recited by the

instant claims. Furthermore, one of ordinary skill in the art, would have been motivated to

combine the teachings of Nakano with Higuchi because Nakano suggests spreading with code

(something broad) in general and Higuchi suggests the beneficial use of a second spreading code

such as one spreading code common to a group of base stations and a another spreading code

being individual to base stations in the analogous art of communication.

17. Nakano does not teach spreading code functions as an identifier of said base station group

or said network type. Higuchi teaches spreading code functions as an identifier of said base

station group or said network type (Higuchi col. 4 lines 6-7: spreading code being common to

respective base stations). Thus, it would have been obvious, to one of ordinary skill in the art, at

time the invention was made, to arrive at the spreading code functions as an identifier of said base station group or said network type as recited by the instant claims, because the combined teaching of Nakano with Higuchi suggest spreading code functions as an identifier of said base station group or said network type as recited by the instant claims. Furthermore, one of ordinary skill in the art, would have been motivated to combine the teachings of Nakano with Higuchi because Nakano suggests spreading with code for the base stations (something broad) in general and Higuichi suggests the beneficial use of the same spreading code being used for a group of base stations such as this code being shorter than a code for individual base stations (Higuchi col. 4 lines 5-11) and thus the amount of time needed to initially acquire the spreading code is decreased (Higuchi col. 2 lines 38-39) in the analogous art of communication.

- 18. The recitations in the preamble, except for the same recitations that are in the body of the claim such as "second spreading code", are not given patentable weight since the recitations occur in the preamble and recite the intended use of a structure and the body of claim does not depend on the preamble for completeness and the bodily limitations are able to stand alone. Thus, the bodily limitations do not require recitations in the preamble except for "second spreading code" as the bodily limitations can be comprised in a communication system described in Nakano in view of Higuchi.
- As per claim 4: said transmitter (Nakano fig. 4: transmission) assigning a code (Nakano 6011787 fig. 4: 35, 55 code generator) associated with each base station group including more than one base station or a code associated with each network type (Nakano 6011787 fig. 4: 35, 55 code generator is for a communication network) to which said base station group belongs (Nakano fig. 1: group of base stations 1 and 2 belong to one communication network) as said

second spreading code (Nakano fig. 4: 37 is spreading based on the code from 35); and said transmitter (Nakano fig. 4: transmission) carrying out communication using a signal spread by said second spreading code (Nakano fig. 4 transmission of the signal spread in 37) assigned to one of said more than one base station (Nakano col. 4 lines 46-47: fig. 4 is part of the base station; since the spreader and code generator in fig. 4 are inside the base station, they are assigned to the base station), wherein said second spreading code functions as an identifier of said base station group or said network type (not in Nakano but Higuchi teaches this and it would be obvious to combine as explained below) in said base station (Nakano fig. 1: base station) and said mobile station (Nakano fig. 1: mobile station).

- 20. Nakano does not teach associated with each base station group including more than one base station. The office takes official notice that since this recitation is being or-ed with associated with each network type and Nakano teaches associated with each network type, a reference does not need to teach the limitation before the "or" statement if the limitation after the "or" statement is taught. Thus, it would have been obvious, to one of ordinary skill in the art, at time the invention was made, that the teaching of Nakano teaches the claimed limitation after the "or" statement as recited by the instant claims and thus Nakano does not need to teach the limitation before the or statement in the analogous art of communication.
- Nakano teaches one spreading with code but does not teach a second spreading code. Higuchi teaches a first spreading code and a second spreading code (Higuchi col. 4 lines 5-6). Thus, it would have been obvious, to one of ordinary skill in the art, at time the invention was made, to arrive at the second spreading code as recited by the instant claims, because the combined teaching of Nakano with Higuchi suggest second spreading code as recited by the

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instant claims. Furthermore, one of ordinary skill in the art, would have been motivated to combine the teachings of Nakano with Higuchi because Nakano suggests spreading with code (something broad) in general and Higuchi suggests the beneficial use of a second spreading code such as one spreading code common to a group of base stations and a another spreading code being individual to base stations in the analogous art of communication.

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- 22. Nakano does not teach spreading code functions as an identifier of said base station group or said network type. Higuchi teaches spreading code functions as an identifier of said base station group or said network type (Higuchi col. 4 lines 6-7: spreading code being common to respective base stations). Thus, it would have been obvious, to one of ordinary skill in the art, at time the invention was made, to arrive at the spreading code functions as an identifier of said base station group or said network type as recited by the instant claims, because the combined teaching of Nakano with Higuchi suggest spreading code functions as an identifier of said base station group or said network type as recited by the instant claims. Furthermore, one of ordinary skill in the art, would have been motivated to combine the teachings of Nakano with Higuchi because Nakano suggests spreading with code for the base stations (something broad) in general and Higuichi suggests the beneficial use of the same spreading code being used for a group of base stations such as this code being shorter than a code for individual base stations (Higuchi col. 4 lines 5-11) and thus the amount of time needed to initially acquire the spreading code is decreased (Higuchi col. 2 lines 38-39) in the analogous art of communication.
- 23. The recitations in the preamble, except for the same recitations that are in the body of the claim such as "second spreading code" and "said transmitter", are not given patentable weight since the recitations occur in the preamble and recite the intended use of a structure and the body

of claim does not depend on the preamble for completeness and the bodily limitations are able to stand alone. Thus, the bodily limitations do not require recitations in the preamble except for "second spreading code" as the bodily limitations can be comprised in a communication system described in Nakano in view of Higuchi.

- 24. As per claim 5: said receiver (Nakano fig. 4: reception) assigning a code (Nakano 6011787 fig. 4: 35, 55 code generator) associated with each base station group including more than one base station or a code associated with each network type (Nakano 6011787 fig. 4: 35, 55 code generator is for a communication network) to which said base station group belongs (Nakano fig. 1: group of base stations 1 and 2 belong to one communication network) as said second spreading code (Nakano fig. 4: 37 is spreading based on the code from 35); and said receiver (Nakano fig. 4: reception) carrying out communication using a signal spread by said second spreading code (Nakano fig. 4: reception of the signal using the code in 55) assigned to one of said more than one base station (Nakano col. 4 lines 46-47: fig. 4 is part of the base station; since the code generator in fig. 4 is inside the base station, it is assigned to the base station), wherein said second spreading code functions as an identifier of said base station group or said network type (not in Nakano but Higuchi teaches this and it would be obvious to combine as explained below) in said receiver (Nakano fig. 1: mobile receives signal from base; transmission and reception between the various components including the mobile, base, and communication network).
- Nakano does not teach associated with each base station group including more than one base station. The office takes official notice that since this recitation is being or-ed with

associated with each network type and Nakano teaches associated with each network type, a reference does not need to teach the limitation before the "or" statement if the limitation after the "or" statement is taught. Thus, it would have been obvious, to one of ordinary skill in the art, at time the invention was made, that the teaching of Nakano teaches the claimed limitation after the "or" statement as recited by the instant claims and thus Nakano does not need to teach the limitation before the or statement in the analogous art of communication.

- Nakano teaches one spreading with code but does not teach a second spreading code. Higuchi teaches a first spreading code and a second spreading code (Higuchi col. 4 lines 5-6). Thus, it would have been obvious, to one of ordinary skill in the art, at time the invention was made, to arrive at the second spreading code as recited by the instant claims, because the combined teaching of Nakano with Higuchi suggest second spreading code as recited by the instant claims. Furthermore, one of ordinary skill in the art, would have been motivated to combine the teachings of Nakano with Higuchi because Nakano suggests spreading with code (something broad) in general and Higuchi suggests the beneficial use of a second spreading code such as one spreading code common to a group of base stations and a another spreading code being individual to base stations in the analogous art of communication.
- Nakano does not teach spreading code functions as an identifier of said base station group or said network type. Higuchi teaches spreading code functions as an identifier of said base station group or said network type (Higuchi col. 4 lines 6-7: spreading code being common to respective base stations). Thus, it would have been obvious, to one of ordinary skill in the art, at time the invention was made, to arrive at the spreading code functions as an identifier of said base station group or said network type as recited by the instant claims, because the combined

teaching of Nakano with Higuchi suggest spreading code functions as an identifier of said base station group or said network type as recited by the instant claims. Furthermore, one of ordinary skill in the art, would have been motivated to combine the teachings of Nakano with Higuchi because Nakano suggests spreading with code for the base stations (something broad) in general and Higuichi suggests the beneficial use of the same spreading code being used for a group of base stations such as this code being shorter than a code for individual base stations (Higuchi col. 4 lines 5-11) and thus the amount of time needed to initially acquire the spreading code is decreased (Higuchi col. 2 lines 38-39) in the analogous art of communication.

- 28. The recitations in the preamble, except for the same recitations that are in the body of the claim such as "second spreading code" and "said receiver", are not given patentable weight since the recitations occur in the preamble and recite the intended use of a structure and the body of claim does not depend on the preamble for completeness and the bodily limitations are able to stand alone. Thus, the bodily limitations do not require recitations in the preamble except for "second spreading code" as the bodily limitations can be comprised in a communication system described in Nakano in view of Higuchi.
- As per claim 6: said transceiver (Nakano fig. 4: transmission and reception) assigning a code (Nakano 6011787 fig. 4: 35, 55 code generator) associated with each base station group including more than one base station or a code associated with each network type (Nakano 6011787 fig. 4: 35, 55 code generator is for a communication network) to which said base station group belongs (Nakano fig. 1: group of base stations 1 and 2 belong to one communication network) as said second spreading code (Nakano fig. 4: 37 is spreading based on the code from 35); and said transceiver (Nakano fig. 4: transmission and reception) carrying out

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communication using a signal spread by said second spreading code (Nakano fig. 4: transmission

of the signal using the code in 35, reception of the signal using the code in 55) assigned to one of

said more than one base station (Nakano col. 4 lines 46-47: fig. 4 is part of the base station; since

the code generator in fig. 4 is inside the base station, it is assigned to the base station), wherein

said second spreading code functions as an identifier of said base station group or said network

type (not in Nakano but Higuchi teaches this and it would be obvious to combine as explained

below) in said transceiver (Nakano fig. 1: mobile receives signal from base; transmission and

reception between the various components including the mobile, base, and communication

network).

Allowable Subject Matter

30. Claims 7-9 are objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and

any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pankaj Kumar whose telephone number is (571) 272-3011. The examiner can normally be reached on Mon, Tues, Thurs and Fri after 8AM to after 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pankaj Kumar Patent Examiner Art Unit 2631